REMARKS

Claims 1, 2, 4-9, 11, 14, 15, 16 and 17are pending. Claim 17 has been added to provide a more complete scope of protection. Claims 1, 5, 8, 15, 16 and 17 are the independent claims. Favorable reconsideration is requested.

In the most recent Office Action, claims 1, 2, 5, 6, 8, 9, 15 and 16 were rejected under 35 U.S.C. § 103 over U.S. Patent 6,330,675 (Wiser) in view of U.S. Patent 4,157,454 (Becker). Claims 4, 7, 11 and 14 were rejected under 35 U.S.C. § 103 over Wiser and Becker and further in view of U.S. Patent 5,920,627 (Mionet). Applicant submits that the independent claims, including new claim 17, are patentable for at least the following reasons.

Claim 1 is directed to a data transmission system that includes calculation means for performing calculation using a variable on an original data stream read from a recording medium so as to produce a calculated data stream; variable creation means for creating the variable; a stream buffer for temporarily storing the calculated data stream therein; inverse calculation means for performing inverse calculation on the calculated data stream output from the stream buffer by using the variable so as to reproduce the data stream; stream processing means for processing the reproduced data stream to produce a processed data stream; and output means for outputting the processed data stream. The variable is changeable at either a regular or a random timing.

The Office Action again cited Wiser as teaching various features of the claim, but recognized that Wiser contains no teaching of changing the variable at an arbitrary timing. For this feature, the Office Action relied upon Becker.

As was described in detail in the last response, Wiser relates to a system that allows a home computer user to download a music file over the Internet and make a CD-ROM copy of it. The system ensures that the file cannot be accessed and/or copied, without authorization, either during transmission on the Internet, or in the computer at the user's home computer.

Wiser uses a multi-step process that uses highly secure encryption and compression at the initial stage at which the music is downloaded to the user's computer over the Internet. Once in the computer of the user, the downloaded file is decrypted and decompressed and then encrypted again, with a somewhat less secure encryption algorithm. The less-securely encrypted file is stored as an intermediate file in local storage medium 212, after which the intermediate (less securely) encrypted file is decrypted, in piecemeal fashion, via temporary storage in local memory 216, before being sent to the recording device, which records a CD-ROM listenable by the user.

Wiser balances the speed required to perform the decryption against the speed of writing to a CD-ROM. This is necessary because writing to CD-ROM requires a steady flow of data. Toward this end, Wiser uses a multi-step process, making use of an intermediate file, having a somewhat less secure encryption level, in combination with piecemeal decryption, to ensure that decryption is timed to meet the steady flow of data required for a CD-ROM write operation.

In the Office Action, the position was again taken that it would have been obvious to have modified the Wiser system to add an encryption variable that changes at an arbitrary timing, as allegedly shown in Becker. Applicant strongly disagrees.

In an attempt to supply the required motivation, the Office Action pointed out a portion of Wiser that indicates that the invention is not limited to only the particular encryption and decryption techniques discussed in relation to the preferred embodiments. However, this statement is not sufficient to support the rejection based on the Examiner's proposed combination. The prior art must provide motivation not only to modify the primary reference, but to do the modification in *exactly the claimed manner*. It is not enough to simply state that other methods are possible.

Moreover, the prior art, in this case Wiser, does not provide *any* motivation for simply increasing the security level at encryption engine 210. Instead, one reading the Wiser

patent would be motivated to ensure that the timing of encryption and decryption in the user's computer is maintained.

That is, any search for a usable substitute encryption method for use in the encryption engine 210 would provoke *timing* concerns in a designer rather than increased security concerns. Yet the examiner persists in relying upon, as the basis for the rejection, the principle that more security is better, at any point in the system, no matter the context or the concerns expressed in the prior art.

Even if there were some motivation to actually do a redesign of encryption engine 210 (and the expression of the *possibility* of other designs is not a motivation to actually redesign the system), a designer would choose an encryption method that would allow decryption engine 214 to allow properly-timed write operations to the CD-R medium. Other than simply increasing security, the motivation for which is *not* found in the prior art in the particular context under discussion, no motivation has been identified in the Office Action from the prior art that would cause one of ordinary skill in the art to add a change of variable at an arbitrary timing to the combination of encryption/decryption techniques taught by Wiser.

Moreover, the use of a variable that changes, either at a regular timing, or at a random timing, would only complicate the balance achieved by Wiser and in fact would require compensation in the other of the two encryption algorithms (that is, the algorithm other than the one the Examiner is proposing to add the changing variable to) to ensure that the required steady rate of data be delivered to the CD-ROM.

Further, since the teaching of Wiser is that the encryption engine 210 supplies a somewhat *less* secure encryption than that applied to the source file received over the Internet, a reading of this patent would provide no motivation for increasing the security at the encryption engine 210, when such a modification would result in a more complicated design to maintain the steady supply of data to the CD-ROM.

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For at least the foregoing reasons, there would be no motivation to modify the Wiser system in the claimed manner. Thus, no prima facie case of obviousness has been established.

Independent claims 5, 8, 15 and 16 were rejected based on similarly incorrect reasoning. As discussed above, there is no motivation for modifying Wiser to meet the features of the independent claims relating to the calculation variable. For at least the foregoing reasons, no prima facie case of obviousness has been established with regard to any of independent claims 5, 8, 15 and 16.

New claim 17 recites, inter alia, that the variable is changeable at a regular timing or at a random timing, which is notified to an inverse calculation means through a recited stream buffer. This feature is neither taught nor suggested by the references, either individually or in any proper combination.

If view of the foregoing, all of the independent claims are believed clearly patentable over the cited references.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above amendments and remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: March 31, 2005   Respectfully submitted,

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